

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Johnny Lawrence,

Plaintiff

v.

Willie Eagleton, *Warden, ECI*; Jane Doe,
Mailroom Super, ECI,

Defendants.

C/A No. 0:16-2882-CMC

Order

This case is before the court because of Plaintiff's failure to comply with the Magistrate Judge's orders of September 1, 2016, and October 3, 2016. ECF Nos. 6, 12.

A review of the record indicates the Magistrate Judge ordered Plaintiff to submit items needed to render this case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be dismissed *without prejudice*. ECF No. 6. After the Magistrate Judge issued the first proper form order, Plaintiff submitted a motion for abeyance/stay of the proceeding, but did not provide the information needed to bring this action into proper form. ECF No. 8. Subsequently, the Magistrate Judge issued a second proper form order, which also denied Plaintiff's motion to stay. ECF No. 12. Plaintiff did not respond to the court's second order and the time for response has expired.

The mail in which the orders were sent to Plaintiff at the address provided when the case was filed has not been returned to the court, thus it is presumed that Plaintiff received the orders, but has neglected to comply within the time permitted under the orders.

Plaintiff's lack of appropriate response to the proper form orders indicates intent to not continue prosecuting this case and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b) (district

courts may dismiss an action if a Plaintiff fails to comply with “any order of the court”); *see also Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte*).

Accordingly, this case is dismissed *without prejudice*. The Clerk of Court shall close the file.¹

IT IS SO ORDERED.

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
November 8, 2016

¹ Under General Order, Misc. No. 3:07-5014-JFA, this dismissal *without prejudice* does *not* count as a “strike” for purposes of the “three strikes” provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk’s Office in Columbia (**901 Richland Street, Columbia, South Carolina 29201**).